



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven A. Bogen and Herbert H. Loeffler

Application No.: 10/823,368 Group Art Unit: 1743

Filed: April 12, 2004 Examiner: Alexander, Lyle

Confirmation No.: 4846

Title: SLIDE STAINER WITH HEATING

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

1-20-2006 Trisha Sullivan

Date Signature

Trisha Sullivan

Typed or printed name of person signing certificate

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The parent of the present application 09/508,945, U.S. Patent 6,180,061, is involved in an infringement action, Cytologix Corporation v Ventana Medical Systems, Inc., for which a decision has recently been issued by the United States Court of Appeals for the Federal Circuit. A copy of that decision is attached. This patent is also involved in a reexamination proceeding, 90/007,348. Also involved in that litigation is U.S. Patent 6,183,693. That patent is also involved in a reexamination proceeding 90/007,351.

Continuation applications are pending from both patents. Specifically, this application and application 09/702,298 claim priority to patent 6,180,061, and application 10/864,620 claims

01/26/2006 RHEBRAHT 00000044 10823368  
180.00 0P  
03 FC:1806

priority to patent 6,183,693. Issued patents 6,541,261 and 6,783,733 also claim priority to patent 6,183,693.

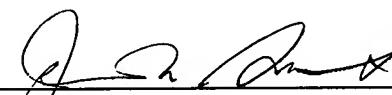
This Information Disclosure Statement is submitted under 37 C.F.R. 1.97(c) together with a \$180.00 fee under 37 CFR 1.17(p). Enclosed herewith is form PTO-1449. Copies of issued U.S. patents and published U.S. applications are not required and are not being provided. Copies of the cited non-U.S. patent references are enclosed. Also enclosed herewith is a copy of form PTO 1449 (sheets 1-5) as included with the Information Disclosure Statement mailed to the U.S. Patent and Trademark Office on April 12, 2004. Copies of the cited non-patent references crossed out rather than initialed by the Examiner are enclosed.

A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
James M. Smith  
Registration No.: 28,043  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133  
Dated: 1/20/06

PTO-1449 REPRODUCED  <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  JAN 25 2006 U.S. PATENT AND TRADEMARK OFFICE REF ID: A1449-1482  January 19, 2005 (Use several sheets if necessary)		ATTORNEY DOCKET NO. 1159.1004-006	APPLICATION NO. 10/823,368
		FIRST NAMED INVENTOR Steven A. Bogen	FILING DATE April 12, 2004
		EXAMINER Alexander, Lyle	CONFIRMATION NO. 4846
			GROUP 1743

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AG6	3,979,576	09-1976	Janson
	AH6	4,384,193	05-1983	Kledzik et al.
	AI6	4,629,862	12-1986	Kitagawa et al.
	AJ6	4,858,155	08-15-1989	Okawa et al.
	AK6	4,865,986	09-12-1989	Coy et al.
	AA7	5,105,066	04-1992	Houdy et al.
	AB7	5,207,987	05-1993	Kureshy et al.
	AC7	5,280,156	01-1994	Niori et al.
	AD7	5,496,518	03-1996	Arai et al.
	AE7	5,523,056	06-1996	Miller
	AF7	5,601,141	02-11-1997	Gordon et al.
	AG7	4,430,299	02-07-1984	Horne
	AH7	6,296,809	10-02-2001	Richards et al.
	AI7	4,296,069	10-20-1981	Smith et al.
	AJ7	2004/0191128 A1	09-30-2004	Bogen et al.
	AK7	6,096,271	08-2000	Bogen et al.
	AA8	6,827,900	12-2004	Thiem et al.
	AB8	6,582,962	06-2003	Richards et al.
	AC8	6,495,106	12-2002	Kaira et al.
	AD8	2004/0241050	12-2004	Bogen et al.
	AE8	2002/0054830	05-2002	Bogen et al.
	AF8	6,183,693	02-2001	Bogen et al.

EXAMINER	DATE CONSIDERED
----------	-----------------

PTO-1449 REPRODUCED  <b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>  January 19, 2005  (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1159.1004-006	APPLICATION NO. 10/823,368
	FIRST NAMED INVENTOR Steven A. Bogen	FILING DATE April 12, 2004
	EXAMINER Alexander, Lyle	CONFIRMATION NO. 4846
		GROUP 1743

U.S. PATENT DOCUMENTS				
EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	AG8	4,635,791	01-1987	Jackson et al.
	AH8	5,839,091	11-1998	Rhett et al.
	AI8	4,679,219	06-1987	Nelson et al.
	AJ8	5,178,834	01-1993	Kagayama et al.
	AK8	5,589,649	12-1996	Brinker et al.
	AA9	5,023,187	6-11-91	Koebler et al.

EXAMINER	DATE CONSIDERED
----------	-----------------

PTO-1449 REPRODUCED	ATTORNEY DOCKET NO. 1159.1004-006	APPLICATION NO. 10/823,368
<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>	FIRST NAMED INVENTOR Steven A. Bogen	FILING DATE April 12, 2004
January 19, 2005  (Use several sheets if necessary)	EXAMINER Alexander, Lyle	CONFIRMATION NO. 4846
		GROUP 1743

## **FOREIGN PATENT DOCUMENTS**

EXAMINER	DATE CONSIDERED
----------	-----------------

PTO-1449 REPRODUCED	ATTORNEY DOCKET NO. 1159.1004-006	APPLICATION NO. 10/823,368	
<b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b>	FIRST NAMED INVENTOR Steven A. Bogen	FILING DATE April 12, 2004	
January 19, 2005  (Use several sheets if necessary)	EXAMINER Alexander, Lyle	CONFIRMATION NO. 4846	GROUP 1743

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER	DATE CONSIDERED
----------	-----------------

**COPY**PTO-1449 REPRODUCED FOR  
INFORMATION DISCLOSURE CITATIONATTORNEY DOCKET NO.  
1159.1004-006

CIP OF APPLICATION NO.

09/702,298 10/1823,368

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

April 12, 2004

JAN 25 2006

(Use several sheets if necessary)

FIRST NAMED INVENTOR  
Steven A. Bogen

FILING DATE

EXAMINER

CONFIRMATION NO.

GROUP

U.S. PATENT DOCUMENTS				
EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
X	AA	3,164,304	01-05-1965	Jager et al.
	AB	3,768,704	10-30-1973	Beguin
	AC	3,850,190	11-26-1974	Carlson
	AD	3,853,092	12-10-1974	Amos et al.
	AE	3,955,930	05-11-1976	Shapiro
	AF	4,043,292	08-23-1977	Rogers et al.
	AG	4,092,952	06-06-1978	Wilkie et al.
	AH	4,095,722	06-20-1978	Miller
	AI	4,130,224	12-19-1978	Norman et al.
	AJ	4,141,474	02-27-1979	Nilson
	AK	4,220,285	09-02-1980	Gualdi
	AA2	4,224,032	09-23-1980	Glover et al.
	AB2	4,268,226	05-19-1981	Morris
	AC2	4,334,640	06-15-1982	van Overbruggen et al.
	AD2	4,358,470	11-09-1982	Rasmussen
	AE2	4,526,294	07-02-1985	Hirschmann et al.
	AF2	4,537,561	08-27-1985	Xanthopoulos
	AG2	4,543,236	09-24-1985	von Gise
	AH2	4,690,005	09-01-1987	Tervamaki et al.
	AI2	4,699,300	10-13-1987	Blake
	AJ2	4,731,335	03-15-1988	Brigati
	AK2	4,741,259	05-03-1988	Ogata, et al.
	AA3	4,760,939	08-02-1988	Ball et al.
	AB3	4,764,342	08-16-1988	Kelln et al.
	AC3	4,798,580	01-17-1989	DeMeo, et al.
	AD3	4,824,337	04-25-1989	Lindner, et al

EXAMINER

Alexander

DATE CONSIDERED

7/19/05

**COPY**

PTO-1449 REPRODUCED

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

April 12, 2004

(Use several sheets if necessary)

ATTORNEY DOCKET NO.  
1159.1004-006CIP OF APPLICATION NO.  
09/702,298FIRST NAMED INVENTOR  
Steven A. Bogen

FILING DATE

EXAMINER

CONFIRMATION NO.

GROUP

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
RK	AE3	4,838,887	06-13-1989	Idriss
	AF3	4,844,868	07-04-1989	Rokugawa
	AG3	4,846,636	07-11-1989	Danby et al.
	AH3	4,846,797	07-11-1989	Howson et al.
	AJ3	4,847,208	07-11-1989	Bogen
	AJ3	4,933,146	06-12-1990	Meyer et al..
	AK3	4,967,940	11-06-1990	Blette et al.
	AA4	4,974,754	12-04-1990	Wirz
	AB4	4,985,206	01-15-1991	Bowman et al.
	AC4	5,049,359	09-17-1991	Azuma et al.
	AD4	5,073,504	12-17-1991	Bogen
	AE4	5,100,030	03-31-1992	Roggenburg, Jr. et al.
	AF4	5,154,889	10-13-1992	Muraishi
	AG4	5,231,029	07-27-1993	Wooton et al.
	AH4	5,232,664	08-31-1993	Krawzak et al.
	AI4	5,246,665	09-21-1993	Tyranski et al
	AJ4	5,273,905	12-28-1993	Muller et al.
	AK4	5,316,452	05-31-1994	Bogen et al.
	AA5	5,320,845	06-14-1994	Py
	AB5	5,425,918	06-20-1995	Healey et al.
	AC5	5,439,649	08-08-1995	Tseung et al.
	AD5	5,475,610	12-12-1995	Atwood et al.
	AE5	5,551,487	09-03-1996	Gordon et al.
	AF5	5,595,707	01-21-1997	Copeland et al
	AG5	5,645,114	07-08-1997	Bogen et al.

EXAMINER

Alexander

DATE CONSIDERED

7/19/05

PTO-1449 REPRODUCED <b>COPY</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b>  April 12, 2004  (Use several sheets if necessary)	ATTORNEY DOCKET NO. <b>1159.1004-006</b>	CIP OF APPLICATION NO. <b>09/702,298</b>
FIRST NAMED INVENTOR <b>Steven A. Bogen</b>	FILING DATE	
EXAMINER	CONFIRMATION NO.	GROUP

**EXAMINER**

Alexander

**DATE CONSIDERED**

7/19/05

PTO-1449 REPRODUCED

**COPY**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

April 12, 2004

(Use several sheets if necessary)

ATTORNEY DOCKET NO.  
1159.1004-006CIP OF APPLICATION NO.  
09/702,298FIRST NAMED INVENTOR  
Steven A. Bogen

FILING DATE

EXAMINER

CONFIRMATION NO.

GROUP

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES      NO
AL	EP 0 201 780	11-20-1986	Hastka	
AM	WO 94/29187	12-22-1994	Nilson	
AN	EP 0 167 274	01-08-1986	Cartwright	
AO	EP 0 268 237	05-25-1988	Abbott Laboratories	
AP	NO COPIES SUPPLIED			
AQ				
AL2				
AM2				
AN2				
AO2				
AP2				
AQ2				
AL3				
AM3				
AN3				
AO3				
AP3				
AQ3				
AL4				
AM4				
AN4				
AO4				
AP4				
AQ4				

EXAMINER

*Alexander*

DATE CONSIDERED

*7/19/05*

PTO-1449 REPRODUCED

**COPY**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

April 12, 2004

(Use several sheets if necessary)

ATTORNEY DOCKET NO.  
1159.1004-006CIP OF APPLICATION NO.  
09/702,298FIRST NAMED INVENTOR  
Steven A. Bogen

FILING DATE

EXAMINER

CONFIRMATION NO.

GROUP

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

NO  
Copies  
Supplied

AR	Brochure, IDX 2000 Automated Immunohistochemistry System, Immunodiagnostics, Inc., 1990, 4 pages.
AS	Strose, W.P., et al., "Automation of APAAP Immunocytochemical Technique," <i>J. Clin. Pathol.</i> , 42:106-112 (1989).
AT	Stark, E., et al., "An Automated Device for Immunocytochemistry," <i>Journal of Immunological Methods</i> , 107:89-92 (1988).
AU	MaWhinney, W.H.B., et al., "Automated Immunochemistry," <i>J. Clin. Pathol.</i> , 43(7):591-596 (1990).
AV	"The Complete Immunoperoxidase System," IMMULOK, advertisement, 1 page.
AW	
AX	
AY	
AZ	
AR2	
AS2	
AT2	
AU2	
AV2	
AW2	
AX2	

EXAMINER

Alexander

DATE CONSIDERED

7/19/05